

IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH AT HYDERABAD  
(Special Original Jurisdiction)

MONDAY, THE FIFTH DAY OF MARCH,  
TWO THOUSAND AND TWELVE

PRESENT:  
THE HON'BLE MR. JUSTICE SAMUDRALA GOVINDARAJULU

WRIT PETITION No.1380 of 2012

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Between:

Kadiyam Shekhar Babu

... Petitioner

And

The Chairman,  
A.P. Public Service Commission, Hyderabad,  
& another.

... Respondents

**This Court made the following:**

**THE HON'BLE MR. JUSTICE SAMUDRALA GOVINDARAJULU**  
**WRIT PETITION No.1380 of 2012**

**ORDER:-**

The petitioner approached this Court with this writ petition under Article 226 of the Constitution of India seeking writ of Mandamus declaring action of the respondents in not issuing photostat copy of answer sheet in compliance with order, dated 19.08.2011, passed by the Chief Information Commissioner of the A.P. Information Commission, as illegal and arbitrary and to direct the respondents to comply with the said direction of the A.P. Information Commission. The petitioner appeared for the entrance test for Group-I services in the year 2008 conducted by the A.P. Public Service Commission (in short, "APPSC") and failed. The petitioner was given marks list. The petitioner submitted application to the Secretary of APPSC for supply of photostat copy of his answer sheet under Right to Information Act, 2005. The said application was rejected. The petitioner filed appeal before the appellate authority and it was also rejected. Therefore, the petitioner filed second appeal by way of Appeal

No.12618/CIC/2009 before the A.P. Information Commission (in short, "APIC"), Hyderabad. The Chief Information Commissioner by order, dated 19.08.2011, held that the petitioner is entitled to seek Photostat copies of answer sheets from the respondents and directed the respondents to furnish certified copies of answer sheets to the petitioner free of cost, within 30 days from the date of receipt of the said order.

2. In case the respondents did not comply with the said order passed by the APIC, then remedy of the petitioner is under Section 20 of the Right to Information Act, 2005 before the said information commission. Section 20 of the said Act reads as follows:

**"20. Penalties -** (1) Where the Central Information Commission or the State Information Commission, as the case may be, at the time of deciding any complaint or appeal is of the opinion that the Central Public Information Officer or the State Public Information Officer, as the case may be, has, without any reasonable cause, refused to receive an application for information or has not furnished information within the time specified under sub-section (1) of section 7 or malafidely denied the request for information or knowingly given incorrect, incomplete or misleading information or destroyed information which was the subject of the request or obstructed in any manner in furnishing the information, it shall impose a penalty of two hundred and fifty rupees each day till application is received or information is furnished, so however, the total amount of such penalty shall not exceed twenty-five thousand rupees:

Provided that the Central Public Information Officer or the State Public Information Officer, as the case may be, shall be given a reasonable opportunity of being heard before any penalty is imposed on him:

Provided further that the burden of proving that he acted reasonably and diligently shall be on the Central Public Information Officer or the State Public Information Officer, as the case may be.

(2) Where the Central Information Commission or the State Information Commission, as the case may be, at the time of deciding any complaint or appeal is of the opinion that the Central Public Information Officer or the State Public Information

Officer, as the case may be, has, without any reasonable cause and persistently, failed to receive an application for information or has not furnished information within the time specified under sub-section (1) of section 7 or malafidely denied the request for information or knowingly given incorrect, incomplete or misleading information or destroyed information which was the subject of the request or obstructed in any manner in furnishing the information, it shall recommend for disciplinary action against the Central Public Information Officer or the State Public Information Officer, as the case may be, under the service rules applicable to him.”

3. The Right to Information Act, 2005 is a self-contained enactment and it provides for stringent measures for enforcement of the orders of the authorities passed thereunder for providing information. If the required information is not furnished by the respondents, then the petitioner instead of approaching the authorities under Section 20 of the said Act, approached this Court under Article 226 of the Constitution. This Court is not the executing Court for implementation of the orders passed by various authorities under the Right to Information Act, 2005.

4. In the circumstances, the writ petition is dismissed, giving liberty to the petitioner to approach the proper authority under Section 20 of the Right to Information Act, 2005.

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**SAMUDRALA GOVINDARAJULU, J**

Date: 05.03.2012

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